

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JULY 3, 2012

AMENDED IN SENATE APRIL 24, 2012

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1088

Introduced by Senator Price

(Coauthor: Senator De León)

(Coauthors: Assembly Members ~~Dickinson and Hall~~) *Ammiano,
Dickinson, Hall and Wieckowski*)

February 15, 2012

An act to amend ~~Sections~~ *Section* 48645.5 and 48916 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1088, as amended, Price. Pupils: readmission.

~~(1) Existing~~

Existing law requires each school district and county office of education to accept for credit full or partial coursework satisfactorily completed by a pupil while attending a public school, juvenile court school, or nonpublic, nonsectarian school or agency. If a pupil completes the graduation requirements of his or her school district of residence while being detained in a juvenile facility, as specified, the school district of residence is required to issue to the pupil a diploma from the school the pupil last attended before detention or, in the alternative, the county superintendent of schools is authorized to issue the diploma.

This bill would prohibit a *public* school from denying enrollment or readmission to a pupil solely on the basis that he or she has had contact with the juvenile justice system, as specified.

~~(2) Existing law requires the governing board of a school district, when it issues an order for expulsion, to set a date when the expelled pupil is to be reviewed for readmission to a school maintained by the district or to the school the pupil last attended, not later than the last day of the semester following the semester in which the expulsion occurred.~~

~~This bill would additionally require the governing board of the school district, if it denies the readmission of an expelled pupil and the pupil or the pupil's parent or guardian requests a reevaluation, to set a date not later than the last day of the semester following the semester in which the readmission was denied to reevaluate the pupil for readmission to a regular school district program or to the school the pupil last attended before the expulsion, subject to specified requirements. By requiring the governing board of a school district to conduct additional readmission evaluations, this bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no.
State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 48645.5 of the Education Code is
2 amended to read:
3 48645.5. (a) Each public school district and county office of
4 education shall accept for credit full or partial coursework
5 satisfactorily completed by a pupil while attending a public school,
6 juvenile court school, or nonpublic, nonsectarian school or agency.
7 The coursework shall be transferred by means of the standard state
8 transcript. If a pupil completes the graduation requirements of his
9 or her school district of residence while being detained, the school
10 district of residence shall issue to the pupil a diploma from the
11 school the pupil last attended before detention or, in the alternative,
12 the county superintendent of schools may issue the diploma.

(b) A pupil shall not be denied enrollment or readmission to a public school solely on the basis that he or she has had contact with the juvenile justice system, including, but not limited to:

- (1) Arrest.
- (2) Adjudication by a juvenile court.
- (3) Formal or informal supervision by a probation officer.
- (4) Detention for any length of time in a juvenile facility or enrollment in a juvenile court school.

~~SEC. 2. Section 48916 of the Education Code is amended to read:~~

~~48916. (a) An expulsion order shall remain in effect until the governing board, in the manner prescribed in this article, orders the readmission of a pupil. At the time an expulsion of a pupil is ordered for an act other than those described in subdivision (c) of Section 48915, the governing board shall set a date, not later than the last day of the semester following the semester in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. If an expulsion is ordered during summer session or the intersession period of a year-round program the governing board shall set a date, not later than the last day of the semester following the summer session or intersession period in which the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district or to the school the pupil last attended. For a pupil who has been expelled pursuant to subdivision (c) of Section 48915, the governing board shall set a date of one year from the date the expulsion occurred, when the pupil shall be reviewed for readmission to a school maintained by the district, except that the governing board may set an earlier date for readmission on a case-by-case basis.~~

~~(b) The governing board shall recommend a plan of rehabilitation for the pupil at the time of the expulsion order, which may include, but not be limited to, periodic review as well as assessment at the time of review for readmission. The plan may also include recommendations for improved academic performance, tutoring, special education assessments, job training, counseling, employment, community service, or other rehabilitative programs.~~

~~(c) The governing board of each school district shall adopt rules and regulations establishing a procedure for the filing and processing of requests for readmission and the process for the~~

~~1 required review of all expelled pupils for readmission. Upon
2 completion of the readmission process, the governing board shall
3 readmit the pupil, unless the governing board makes a finding that
4 the pupil has not met the conditions of the rehabilitation plan or
5 continues to pose a danger to campus safety or to other pupils or
6 employees of the school district. A description of the procedure
7 shall be made available to the pupil and the pupil's parent or
8 guardian at the time the expulsion order is entered.~~

~~9 (d) If the governing board denies the readmission of an expelled
10 pupil pursuant to subdivision (c), the governing board shall make
11 a determination either to continue the placement of the pupil in
12 the alternative educational program initially selected for the pupil
13 during the period of the expulsion order or to place the pupil in
14 another program that may include, but need not be limited to,
15 serving expelled pupils, including placement in a county
16 community school. At the request of the pupil or the pupil's parent
17 or guardian, the governing board shall also set a date, not later
18 than the last day of the semester following the semester in which
19 the readmission was denied, to reevaluate the pupil for readmission
20 to a regular school district program or to the school the pupil last
21 attended before the expulsion.~~

~~22 (e) The governing board shall provide written notice to the
23 expelled pupil and the pupil's parent or guardian that includes, but
24 is not limited to, all of the following:~~

~~25 (1) The reasons for denying the pupil readmittance into the
26 regular school district program.~~

~~27 (2) If applicable, the date on which the pupil will be reevaluated
28 for readmission.~~

~~29 (3) Which educational program was selected by the governing
30 board for the expelled pupil pursuant to subdivision (d). The
31 expelled pupil shall enroll in that educational program unless the
32 parent or guardian of the pupil elects to enroll the pupil in another
33 school district.~~

~~34 (4) A description of the requirement set forth in paragraph (2)
35 of subdivision (f).~~

~~36 (f) (1) Reevaluation of a pupil for readmission shall be
37 conducted in the same manner as the initial readmission procedure
38 and in accordance with the requirements of subdivision (e).~~

~~39 (2) Before a pupil is to be reevaluated for readmission, the pupil
40 shall provide to the governing board written documentation~~

1 detailing how the pupil has addressed the reasons given by the
2 governing board for the initial denial of readmission.

3 ~~SEC. 3. If the Commission on State Mandates determines that~~
4 ~~this act contains costs mandated by the state, reimbursement to~~
5 ~~local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code.~~

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